

## Message Text

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ORIGIN ARA-14

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FM SECSTATE WASHDC  
TO AMEMBASSY MANAGUA PRIORITY

C O N F I D E N T I A L STATE 120485

E.O. 11652: GDS

TAGS: SHUM, NU

SUBJECT: HUMAN RIGHTS REPORT CRITIQUE

1. FOLLOWING ARE EXCERPTS FROM CRITIQUE OF DEPARTMENTS  
HUMAN RIGHTS REPORT ON NICARAGUA AND OUR PROPOSED RESPONSE.  
CRITIQUE PREPARED BY THE COALITION FOR A NEW FOREIGN AND  
MILITARY POLICY, HAS BEEN SENT BY POUCH. DEPT. WOULD  
APPRECIATE THE EMBASSY'S COMMENTS ON OUR DRAFT RESPONSES  
TO SUBJECTS RAISED IN CRITIQUE. AS A MEETING IS TENTATIVELY  
SCHEDULED WITH REPRESENTATIVES OF THE COALITION SOMETIME  
NEXT WEEK WE WOULD APPRECIATE YOUR COMMENTS SOONEST.

BEGIN TEXT: THE CRITIQUE STATES THAT THE DEPARTMENT'S REPORT  
-ATTEMPTS TO SHOW THAT THE SITUATION HAS IMPROVED SINCE  
THE BEGINNING OF 1977 AND IN PARTICULAR SINCE THE LIFTING  
OF MARTIAL LAW IN SEPTEMBER 1977, DESPITE CONVINCING  
EVIDENCE TO THE CONTRARY."

ACTUALLY OUR REPORT ASSERTED THAT ALLEGATIONS OF NEW  
DISAPPEARANCES OR KILLINGS BY THE NATIONAL GUARD DIMINISHED  
MARKEDLY AFTER EARLY 1977. THAT IS TRUE SO FAR AS WE ARE  
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AWARE.

OUR REPORT ALSO STATED THAT THE TERMINATION OF MARTIAL  
LAW IN SEPTEMBER 1977 WAS FOLLOWED BY LIVELY PRESS  
AND PUBLIC DEBATE AND BY STEPS TOWARDS A "NATIONAL  
DIALOGUE." WE THINK MOST OBJECTIVE OBSERVERS WOULD  
AGREE.

THE CRITIQUE FURTHER CLAIMS THAT THE DEPARTMENT'S REPORT "FAILS TO REFLECT THE KEY ROLE" OF THE NATIONAL GUARD. IN FACT OUR REPORT MAKES VERY FREQUENT REFERENCES TO THE GUARD AND TO CHARGES OF ITS VIOLATIONS OF HUMAN RIGHTS.

THE CRITIQUE ALSO REFERS TO THE NATIONAL GUARD'S "KILLING OF DOZENS OF UNARMED PROTESTERS, INCLUDING INFANTS, CHILDREN AND HOUSEWIVES, IN THE WAKE OF THE ASSASSINATION" OF PEDRO JOAQUIN CHAMORRO IN JANUARY 1978. THIS STATEMENT SEEMS EXAGGERATED BUT IN ANY EVENT OUR REPORT WAS LIMITED ALMOST ENTIRELY TO 1977 AND DID NOT ATTEMPT TO DESCRIBE EVENTS FOLLOWING CHAMORRO'S DEATH.

TORTURE - THE CRITIQUE QUOTES OUR REPORT AS SAYING THERE WERE "FEW REPORTS OF TORTURE OR BEATING OF DETAINEES OR PRISONERS IN 1977," DESPITE THE CRITIQUE'S CONTENTION THAT "ACCOUNTS OF TORTURE AND BRUTALITY INCLUDING DEATH UNDER TORTURE, ARE DOCUMENTED WEEKLY IN NICARAGUAN NEWSPAPERS.." THE CRITIQUE MENTIONS EIGHT SPECIFIC CASES SINCE THE LIFTING OF MARTIAL LAW.

ACCOUNTS OF TORTURE AND BRUTALITY ARE REPORTED PERIODICALLY IN LA PRENSA, THE OPPOSITION NEWSPAPER, CONFIDENTIAL

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BUT ARE NOT GENERALLY DOCUMENTED. MOREOVER, THESE REPORTS ARE FREQUENTLY REPETITIOUS. NEVERTHELESS, WE ARE ASKING MANAGUA EMBASSY FOR ITS COMMENTS ON THIS CRITICISM.

ARBITRARY ARREST AND DETENTION - THE CRITIQUE STATES THAT "CONTRARY TO THE STATE DEPARTMENT'S ASSERTION, DETAINEES CONTINUE TO BE HELD FOR PROLONGED PERIODS WITHOUT CHARGES, AND OFTEN INCOMMUNICADO." THE CRITIQUE REFERS TO ALLEGATIONS MADE BY RENE ESPINOSA, DESCRIBED AS "A NATIONAL GUARD MECHANIC."

OUR INFORMATION INDICATES ESPINOSA WAS A CIVILIAN DRIVER FOR THE GUARD, WHICH SEVERED ALL CONNNECTIONS WITH HIM SOME YEARS AGO. MANY IF NOT ALL OF THE 26 PRISONERS HE IDENTIFIED WERE TRIED PUBLICLY BY THE MILITARY COURTS LAST YEAR. MANY OF THE PEOPLE CONVICTED BY THE COURTS WERE HELD FOR LONG PERIODS OF TIME UNDER THE MARTIAL LAW

THEN IN EFFECT.

THE CRITIQUE ALSO MENTIONS ESPINOSA'S IDENTIFICATION OF

SIX SECRET NATIONAL GUARD DETENTION CENTERS. WE HAVE NO RELIABLE INFORMATION REGARDING SUCH CENTERS BUT ARE REQUESTING MANAGUA EMBASSY TO COMMENT. WE HAVE ALSO ASKED THE EMBASSY TO COMMENT ON THE CRITIQUE'S REFERENCES TO PREVIOUS TORTURE OF THE 110 PERSONS SENTENCED BY MILITARY TRIBUNAL IN FEBRUARY 1977.

RESPECT FOR CIVIL AND POLITICAL LIBERTIES - THE CRITIQUE COMPLAINS THAT OUR REPORT "ATTEMPTS TO SHOW THAT THE LIFTING OF MARTIAL LAW HAS HAD A MAJOR IMPACT ON CIVIL AND POLITICAL FREEDOMS, "DESPITE THE FACT THAT MANY NICARAGUANS WHO ATTEMPT TO USE CONSTITUTIONAL CHANNELS FOR FINDING DISAPPEARED RELATIVES CONSISTENTLY RECEIVE NO ANSWER.  
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WE BELIEVE IT IS CLEAR THAT THE LIFTING OF MARTIAL LAW HAS BEEN VERY HELPFUL TO THE PROTECTION OF HUMAN RIGHTS. AND WE AGREE THAT SOME NICARAGUANS CANNOT FIND RELATIVES AND FRIENDS WHO DISAPPEARED DURING 1975-76. THE GON AND THE CONGRESS HAVE SAID THIS IS A JURIDICAL PROBLEM AND THAT THE COURT SYSTEM IS STILL EQUIPPED TO DO MUCH ABOUT IT. A VISIT BY AN INTERNATIONAL HUMAN RIGHTS BODY MIGHT BE THE BEST MANNER OF THOROUGHLY INVESTIGATING THE SITUATION. THE GON HAS ACCEPTED AN IAHRC VISIT IN PRINCIPLE, BUT MAINTAINS THAT A VISIT NOW WOULD PROVOKE RIOTS TO EMBARRASS THE AUTHORITIES. HOWEVER, THE GON RECENTLY INVITED THE INTERNATIONAL RED CROSS TO VISIT PRISONS AND THAT VISIT IS CURRENTLY UNDER WAY.

THE CRITIQUE STATES THAT WHILE OUR REPORT NOTES CONTINUED RESTRICTIONS ON RADIO WE FAILED TO MENTION RADIO'S GREAT IMPORTANCE FOR THE MASSES OF THE PEOPLE. THE CRITIQUE CONCLUDES THAT "THE LOOSENING OF MEDIA RESTRICTIONS DOES LITTLE FOR THE SECTORS OF THE POPULATION WHO SUFFER THE MOST FROM THE POLICIES OF THE GOVERNMENT."

WE AGREE THAT RADIO IS PARTICULARLY IMPORTANT FOR THE POOR, ILLITERATE AND RURAL SECTORS OF THE POPULATION. OUR INFORMATION INDICATES THAT A GREAT DEAL OF ANTI-SOMOZA BROADCASTING IS TAKING PLACE, ESPECIALLY OVER RADIO PREFERIDA PROGRAMS.

IN GENERAL IT SEEMS CLEAR THAT THERE IS NOW MUCH MORE OPPORTUNITY TO DEFEND CIVIL AND POLITICAL FREEDOMS THAN THERE WAS UNDER MARTIAL LAW.

THE CRITIQUE ALSO DISCUSSES NICARAGUA UNDER THE "LATIN  
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AMERICA" SECTION. IT SAYS AMONG OTHER THINGS THAT:  
"NICARAGUA WILL STILL BE ABLE TO OBTAIN U.S. WEAPONS  
WITH ALMOST \$2 MILLION IN 'PIPELINE' MONEY FROM PREVIOUS  
YEARS"; RECENT DELIVERIES TO THE NATIONAL GUARD INCLUDE  
2,000 M-16 RIFLES, HELICOPTERS AND ARMORED CARS; AND,  
USG TRAINING OF THE GUARD WILL CONTINUE.

THE FACTS FOLLOW. THERE IS \$2.5 MILLION FMS FOR NICARAGUA  
FOR FY-77 PLUS ANOTHER \$2.5 MILLION APPROPRIATED FOR  
FY-78. AN AGREEMENT HAS BEEN SIGNED FOR THE FY-77  
MONEY BUT NOTHING HAS BEEN SPENT YET. WE HAVE SAID WE  
WILL REVIEW REQUESTS ON AN ITEM-BY-ITEM OR CASE-BY-CASE  
BASIS. THE DEPARTMENT HAS AN UNDERSTANDING WITH THE  
HOUSE APPROPRIATIONS COMMITTEE THAT NONE OF THE FY-78  
FUNDS WILL BE RELEASED, NOR WILL AN AGREEMENT BE SIGNED,  
UNTIL BOTH STATE AND THE APPROPRIATE COMMITTEE HAVE  
CONSULTED IN AN EFFORT TO AGREE ON WHETHER OR NOT THERE  
HAVE BEEN IMPROVEMENT IN THE GON'S HUMAN RIGHTS  
PERFORMANCE.

NO HELICOPTERS OR ARMORED CARS HAVE BEEN DELIVERED IN  
SOME YEARS. SIX THOUSAND M-16 RIFLES WERE APPROVED FOR  
DELIVERY AROUND OCTOBER 1976 AND WERE ACTUALLY DELIVERED  
SHORTLY THEREAFTER. THERE HAVE BEEN NO DELIVERIES SINCE.

THE CRITIQUE IS CORRECT IN STATING THAT IT IS PLANNED  
TO CONTINUE TRAINING OF THE NATIONAL GUARD. END TEXT. VANCE

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